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PATENT
10/082,745

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2176
: Examiner: M. Nguyen
David R. Posh et al. :
Serial No: 10/082,745 : Confirmation No. 5306
Filed: 02/21/02 :
Title: A DATA PROCESSOR :
CONTROLLED INTERACTIVE :
DOCUMENT EDITING DISPLAY :
SYSTEM WITH AN IMPLEMENTATION : Customer No. 32,329
FOR SWAPPING THE POSITIONS OF :
TWO DESIGNATED SEGMENTS OF :
DATA IN A DISPLAYED DOCUMENT :
Date: October 29, 2007:

CERTIFICATE OF MAILING

I hereby certify that this correspondence including a Brief on Appeal (in triplicate), and this transmittal letter (duplicate) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on October 29, 2007.

J. B. Kraft 10/29/07
J. B. KRAFT
Signature Date

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 CFR 1.192(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is Appellants' Brief (in triplicate) in this Appeal from a decision of the Examiner dated May 30, 2007 finally rejecting claims 1,2, 4-10, 12-18, and 20-24.

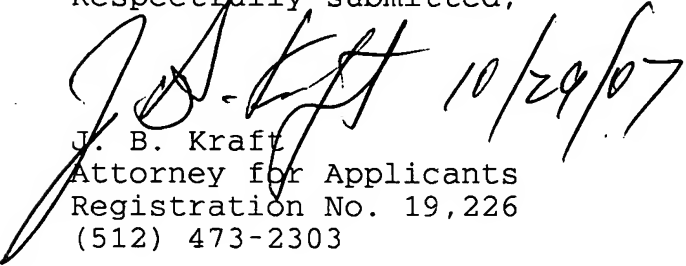
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Fee Waiver Request

It is respectfully requested that the fee for this Brief on Appeal be waived as the Appellant has already paid an Appeal Brief fee herein, after which the Examiner has withdrawn a Final Rejection and issued a new rejection which resumed the prosecution herein. Should there be any charge herein, please charge Deposit Account 09-0447.

The Commissioner is hereby authorized to charge any additional fee which may be required or credit any overpayment to Deposit Account No. 09-0447 (a duplicate of this transmittal is included.).

Respectfully submitted,

 10/29/07
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PLEASE MAIL ALL CORRESPONDENCE TO:

Mathew W. Baca
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Date: 10/29/07 :

BRIEF ON APPEAL

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal from the Final Rejection of Claims 1, 2, 4-10, 12-18 and 20-24 of this Application dated May 30, 2007. Section VIII. Appendix containing a copy of each of the Claims is attached.

Fee Waiver Request

It is respectfully requested that the fee for this Brief on Appeal be waived as the Appellant has already paid an Appeal Brief fee herein, after which the Examiner has withdrawn a Final Rejection and issued a new rejection which resumed the prosecution herein. Should there be any charge herein, please charge Deposit Account 09-0447.

I. Real Party in Interest

The real party in interest is International Business Machines Corporation, the assignee of the present Application.

II. Related Appeals and Interferences

None

III. Status of Claims

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are 21 claims in this Application.

B. STATUS OF ALL THE CLAIMS

1. Claims cancelled: 3, 11, and 19.
2. Claims withdrawn from consideration but not cancelled: None.
3. Claims pending: 1, 2, 4-10, 12-18 and 20-24.
4. Claims allowed: None.
5. Claims rejected: 1, 2, 4-10, 12-18 and 20-24.

C. CLAIMS ON APPEAL

Claims on appeal: 1, 2, 4-10, 12-18 and 20-24.

IV Status of Amendments

No amendments have been filed after Final Rejection.

V. Summary of Claimed Subject Matter

Independent claim 1 is annotated as follows with respect to the Specification and Drawings.

1. A computer controlled user-interactive document editing display system comprising:

means for defining a first alphanumeric segment of displayed data in a displayed text document having continuous lines of text (Fig 4, section 50, described in specification, page 6, lines 3-12);

means for defining a second alphanumeric segment of displayed data in said displayed text document (Fig 4, section 51, described in specification, page 6, lines 3-12);

means enabling a user to select to directly swap said first segment with said second segment (Fig. 4, "Swap" 53 described in specification, page 6, lines 3-12); and

means, responsive to said user selection to directly swap, for directly swapping the positions of said segments of data with each other in a single operation independently of separately identifying a new location for each of the one and another segments other than identifying each segment (Fig 5, sections 50 and 51 have swapped positions described in specification, page 6, lines 12 -19).

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Independent claim 9 is annotated as follows with respect to the Specification and Drawings.

9. A method of user-interactive document editing on a display comprising:

defining a first alphanumeric segment of displayed data in a displayed text document having continuous lines of text (Fig 4, section 50, described in specification, page 6, lines 3-12);

defining a second alphanumeric segment of displayed data in said displayed text document (Fig 4, section 51, described in specification, page 6, lines 3-12);

enabling a user to select to directly swap said first segment with said second segment (Fig. 4, "Swap" 53 described in specification, page 6, lines 3-12); and

directly swapping the positions of said segments of data with each other in a single step independently of separately identifying a new location for each of the one and another segments other than defining each segment responsive to a user selection to swap (Fig 5, sections 50 and 51 have swapped positions described in specification, page 6, lines 12 -19).

Independent claim 17 is annotated as follows with respect to the Specification and Drawings.

17. A computer program having program code included on a computer readable medium for user-interactive document editing on a computer controlled display system (Fig. 6 is described as a computer program for the swapping of sections in accordance with the invention, page 3, lines 19-21) comprising:

means for defining a first alphanumeric segment of displayed data (step 62, Fig. 6, described on page 7, lines 8-100 in a displayed text document having continuous lines of text (Fig 4, section 50, described in specification, page 6, lines 3-12));

means for defining a second alphanumeric segment of displayed data (step 65, Fig. 6, described on page 7, lines 16-17) in said displayed text document (Fig 4, section 50, described in specification, page 6, lines 3-12);

means enabling a user to select to directly swap said first segment with said another second segment (step 63, Fig. 6, described on page 7, lines 12-16); and

means responsive to said user selection to directly swap for directly swapping the positions of said segments of data with each other in a single operation (step 66, Fig. 6, described on page 7, lines 18-20) independently of separately identifying a new location for each of the one and another segments other than identifying each segment (Fig 5, sections 50 and 51 have swapped positions described in specification, page 6, lines 12 -19).

Dependent claim 8 (argued separately) is annotated as follows with respect to the Specification and Drawings.

8. The document editing display system of claim 7, wherein said swapped segments further include images (present specification, page 6, lines 15-19).

Dependent claim 16 (argued separately) is annotated as follows with respect to the Specification and Drawings.

16. The document editing method of claim 15, wherein said swapped segments further include images (present specification, page 6, lines 15-19).

Dependent claim 24 (argued separately) is annotated as follows with respect to the Specification and Drawings.

24. The computer program of claim 23, wherein said swapped segments further include images (present specification, page 6, lines 15-19).

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VI. Grounds of Rejection to be Reviewed on Appeal

- Claims 1, 2, 4-7, 9, 10, 12-15, 17, 18, and 20-23 are rejected under 35 U.S.C. 102(b) over Liu et al. (US5,887,133).
- Claims 8, 16, and 24 are rejected as unpatentable under 35 U.S.C. 103(a) over Liu et al. (US5,887,133) in view of Higashio (US5,900,869).

VII. Argument

The Liu Patent is not an anticipatory reference under 35 USC 102.

The rejection of claims 1, 2, 4-7, 9, 10, 12-15, 17, 18, and 20-23 under 35 U.S.C. 102(b) over Liu et al. (US5,887,133) is respectfully traversed. Liu is not an anticipatory reference under 35 USC 102. In order to reject under 35 USC 102, the reference must teach every element of the invention without modification. Liu does not do this.

In the claims of the present invention, two segments of alphanumeric text in a displayed document having continuous lines of alphanumeric text are respectively designated, and a swap function is selected by a user to thereby swap the locations of the segments with each other. Liu discloses that two designated columns in a displayed spreadsheet may be swapped with one another. Thus, Liu does not teach the claimed elements of swapping two segments of alphanumeric text in a displayed text document having continuous lines of text.

Liu is concerned only with spreadsheet table functions, and involves nothing relative to text processing expedients, such as that of the claimed invention which involves sentences, paragraphs or pages in text documents having continuous lines of text.

The distinction between text documents and spreadsheets is clearly understood by those skilled in the art. While both contain data which may be semantically called alphanumeric, the document structures and editing functions in the text document processing art are understood to be very distinct from the numerical table organization of the spreadsheet art. Thus, a spreadsheet table is never regarded as text document by those skilled in the art. In order to avoid any possible literal or semantic reading of the present claims on the tables of spreadsheets, the claims define the text document as having continuous lines of text.

In this connection, Examiner points to column 3, lines 27-35 of Liu for a teaching relative to the use of swapping in text processing of sentences and paragraphs. Applicants submit that there is nothing pertinent in these sections. This section relates only to the manipulation of columns in spreadsheet tables including swapping of columns. Where this section mentions text, it relates to finding text in columns. Applicants concede that columns in spreadsheet tables may each include text entries but these are not in the form of the continuous lines of text in a text document.

Accordingly, it is submitted that the Examiner's interpretation of the Liu Patent does not meet the very specific requirements of 35 USC 102 that the reference must clearly teach every element of the invention without modification. It is submitted that the tabular spreadsheet of Liu fails to disclose every element of the invention without modification since Liu fails to disclose the swapping of two segments of alphanumeric text in the editing of a text document having continuous lines of text.

The Rejection of Claims 8, 16, and 24 as Unpatentable under 35 U.S.C. 103(a) over Liu et al. (US5,887,133) in view of Higashio (US5,900,869) is Respectfully Traversed.

Dependent claims 8, 16, and 24 which respectively depend from independent claims 1, 9, and 17 are submitted to be patentable over the basic Liu reference for all of the reasons set forth hereinabove for the patentability of the independent claims. In addition, claims 8, 16, and 24 include the additional element that the swapped sections include images. Liu as modified by Higashio does not suggest swapping segments including continuous text and images. It is submitted that Higashio's image switching does not swap the positions of two displayed images with each other. Rather, the switching as cited by Examiner (col. lines 43-67 and Fig. 1) switches only between a smaller version and a full screen version of the same image. Accordingly it is not seen how Higashio modifies the teaching of Liu to suggest one full page of alphanumeric text containing an image with another full page of alphanumeric text containing an image.

There is no swap of positions in Higashio; the full screen version of the image merely completely covers the smaller version. Accordingly, it is submitted that claims 8, 16, and 24 are unobvious and patentable under 35 USC 103(a) over Liu in view of Higashio.

Conclusion


In view of the foregoing:

Claims 1, 2, 4-7, 9, 10, 12-15, 17, 18, and 20-23 are submitted to be patentable under 35 U.S.C. 102(b) over Liu et al. (US5,887,133); and

Claims 8, 16, and 24 are submitted to be patentable under 35 U.S.C. 103(a) over Liu et al. (US5,887,133) in view of Higashio (US5,900,869).

Accordingly, the Board of Appeals is respectfully requested to reverse the final rejection and find claims 1, 2, 4-10, 12-18 and 20-24 in condition for allowance.

Respectfully submitted,


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VIII. Claims Appendix

- 1 1. A computer controlled user-interactive document editing
2 display system comprising:
 - 3 means for defining a first alphanumeric segment of
 - 4 displayed data in a displayed text document having
 - 5 continuous lines of text;
 - 6 means for defining a second alphanumeric segment of
 - 7 displayed data in said displayed text document;
 - 8 means enabling a user to select to directly swap said
 - 9 first segment with said second segment; and
 - 10 means, responsive to said user selection to directly
 - 11 swap, for directly swapping the positions of said segments
 - 12 of data with each other in a single operation independently
 - 13 of separately identifying a new location for each of the one
 - 14 and another segments other than identifying each segment.
- 1 2. The document editing display system of claim 1, further
2 including means for highlighting said first and said second
3 segments prior to swapping the positions of said segments.
- 1 4. The document editing display system of claim 1, wherein
2 said alphanumeric text in each of said swapped segments is a
3 phrase.
- 1 5. The document editing display system of claim 1, wherein
2 said alphanumeric text in each of said swapped segments is a
3 sentence.
- 1 6. The document editing display system of claim 1, wherein
2 said alphanumeric text in each of said swapped segments is a
3 paragraph.

1 7. The document editing display system of claim 1, wherein
2 said alphanumeric text in each of said swapped segments is
3 at least one page in length.

1 8. The document editing display system of claim 7, wherein
2 said swapped segments further include images.

1 9. A method of user-interactive document editing on a
2 display comprising:
3 defining a first alphanumeric segment of displayed data
4 in a displayed text document having continuous lines of
5 text;
6 defining a second alphanumeric segment of displayed
7 data in said displayed text document;
8 enabling a user to select to directly swap said first
9 segment with said second segment; and
10 directly swapping the positions of said segments of
11 data with each other in a single step independently of
12 separately identifying a new location for each of the one
13 and another segments other than defining each segment
14 responsive to a user selection to swap.

1 10. The document editing method of claim 9 further
2 including the steps of highlighting said first and said
3 second segments prior to swapping the positions of said
4 segments.

1 12. The document editing method of claim 9, wherein said
2 alphanumeric text in each of said swapped segments is a
3 phrase.

1 13. The document editing method of claim 9, wherein said
2 alphanumeric text in each of said swapped segments is a
3 sentence.

1 14. The document editing method of claim 9, wherein said
2 alphanumeric text in each of said swapped segments is a
3 paragraph.

1 15. The document editing method of claim 9, wherein said
2 alphanumeric text in each of said swapped segments is at
3 least one page in length.

1 16. The document editing method of claim 15, wherein said
2 swapped segments further include images.

1 17. A computer program having program code included on a
2 computer readable medium for user-interactive document
3 editing on a computer controlled display system comprising:
4 means for defining a first alphanumeric segment of
5 displayed data in a displayed text document having
6 continuous lines of text;
7 means for defining a second alphanumeric segment of
8 displayed data in said displayed text document;
9 means enabling a user to select to directly swap said
10 first segment with said another second segment; and
11 means responsive to said user selection to directly
12 swap for directly swapping the positions of said segments of
13 data with each other in a single operation independently of
14 separately identifying a new location for each of the one
15 and another segments other than identifying each segment.

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1 18. The computer program of claim 17, further including
2 means for highlighting said first and said second segments
3 prior to swapping the positions of said segments.

1 20. The computer program of claim 17, wherein said
2 alphanumeric text in each of said swapped segments is a
3 phrase.

1 21. The computer program of claim 17, wherein said
2 alphanumeric text in each of said swapped segments is a
3 sentence.

1 22. The commuter program of claim 17, wherein said
2 alphanumeric text in each of said swapped segments is a
3 paragraph.

1 23. The computer program of claim 17, wherein said
2 alphanumeric text in each of said swapped segments is at
3 least one page in length.

1 24. The computer program of claim 23, wherein said swapped
2 segments further include images.

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IX. Evidence Appendix

There was no evidence presented in the prosecution of the present Application.

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X. Related Proceedings Appendix

There are no proceedings related to the present proceedings.

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